

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA	:	
	:	
v.	:	; Criminal # PJM-12-0379
	:	; Criminal # PJM-13-0121
OLUWASEUN SANYA	:	

MOTION TO CONTINUE SENTENCING HEARING

FOR 30-45 DAYS TO ALLOW NEW COUNSEL TO ALLOCUTE AT SENTENCING

NOW COMES **OLUWASEUN SANYA**, by and through counsel, and moves for an Order continuing the sentencing hearing in the above-captioned matter for good-cause and in the interest of justice:

1. On September 20, 2013, Mr. Sanya met with then Counsel Bouie to prepare for the sentencing hearing scheduled for September 23, 2013 and Mr. Sanya was unhappy that PSR objections on that day and were being submitted nearly one month after the scheduled date of August 28, 2013 as set by Order of this Court in ECF number 20, and no leave to file late was filed;
2. That no witnesses were proffered to mitigate and explain Mr. Sanya culpability level;
3. that no strategy was discussed with Mr. Sanya prior to the weekend before sentencing for argument to the Court on his behalf and there has been a negligible amount of joint preparation in Mr. Sanya's opinion for the sentencing hearing;

4. that Counsel had previously mislead the Court as whether it was Mr. Sanya or counsel advise to seek expert examination for the purpose of a diminished capacity defense, which caused a delay in the original trial;
5. That Mr. Sanya, with the help of his family, retained new counsel for the sole purpose of allocuting on his behalf at the sentencing hearing under *Missouri v. Frye*, and **he has no desire to withdraw his guilty pleas** on Saturday, September 21, 2013;
6. That new counsel reached out to assistant AUSA Thomas Windom on 9/21/13 for the government's position, but was referred to AUSA Raman who is acting as lead counsel for the government's position on continuing the sentencing hearing;
7. That the government has indicated its opposition to a continuance of the sentencing hearing because the change of counsel is "late" although the government is seeking over 200 months imprisonment in these matters;
8. Mr. Sanya requests this Court in the interest of justice continue the sentencing hearing for 15 or more days to allow the counsel of his choice to represent him at the sentencing hearing.

Respectfully submitted,

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Certificate of Service

I Kevin McCants attest that a true copy of the attached motion to continue the sentencing hearing was served on the assigned AUSAs in this case by ECF filing on this 22d day of September, 2013.

/s/Kevin McCants

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ORDER

Based upon the defense representations, the government position, and the overall record in this case, it is HEREBY ORDERED that the sentencing hearing scheduled for September 23, 2013, is VACATED, and the sentencing hearing in this matter is now scheduled for _____, _____ 2013. SO ORDERED.

DATE

Peter J. Messitte
Senior District Court Judge